

Amendment No. 1 to HB2172

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 2254

House Bill No. 2172*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 30-2-601(a)(4)(B), is amended by deleting the subdivision and substituting instead the following:

All of the distributees of the residue file with the clerk of the court sworn waivers, or statements under penalty of perjury, excusing the personal representative from filing all court accountings.

SECTION 2. Tennessee Code Annotated, Section 30-2-601(b)(1), is amended by deleting the following:

has filed with the clerk of the court exercising probate jurisdiction the final receipt and release from the department of revenue evidencing payment of all state inheritance and/or estate tax due from the estate, unless waived pursuant to § 67-8-409(g), and substituting instead the following:

has, for estates where the death occurred prior to January 1, 2016, filed with the court a final receipt from the department of revenue unless waived pursuant to § 67-8-409(g),

SECTION 3. Tennessee Code Annotated, Section 30-2-601(d), is amended by deleting the language "In connection with any accounting," and substituting instead the following:

Except as provided in subdivision (a)(4)(B), in connection with any accounting,

SECTION 4. Tennessee Code Annotated, Section 30-1-112, is amended by redesignating the current language as subsection (b) and adding the following subsection (a):

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(a) Any named executor in a decedent's last will and testament may decline to serve as such personal representative by filing a sworn statement, or a statement under penalty of perjury, with the court.

SECTION 5. Tennessee Code Annotated, Section 30-1-112, is further amended by deleting the language "executor or administrator" wherever it appears and substituting instead the language "personal representative".

SECTION 6. Tennessee Code Annotated, Section 30-1-201(a)(1)(C), is amended by deleting the subdivision and substituting instead the following language:

All of the beneficiaries are adults, who are not under a disability that would preclude them from acting, and all beneficiaries consent to the personal representative serving without bond by filing a sworn statement, or a statement under penalty of perjury, with the court and the court approves; or

SECTION 7. Tennessee Code Annotated, Section 35-50-107(b)(2), is amended by adding to the end of the paragraph the following language:

It shall be the responsibility of the nonresident personal representative to secure appointment of the secretary of state as agent for service of process and to provide the court with a copy of the receipt from the secretary of state.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.